

JS 44 (Rev. 06/17)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

ANNE HULSER

(b) County of Residence of First Listed Plaintiff Chester County, PA  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Fred Davis, Esq. Davis Consumer Law Firm, 2300 Computer Rd.-Ste  
G39, Willow Grove, PA 19090 Telephone: (855) 432-8476

## DEFENDANTS

FMS INC.

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)  
Aaron R. Easley, Esq., Sessions, Fishman, Nathan & Israel, 3 Cross  
Creek Drive, Flemington, NJ 08822, (908) 237-1660

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSDI Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 860 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
15 U.S.C. § 1692, et seq.

Brief description of cause:

alleged violations of the Fair Debt Collection Practices Act

## VII. REQUESTED IN COMPLAINT:

- ☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE  
08/29/2019SIGNATURE OF ATTORNEY OF RECORD  
/s/ Aaron R. Easley, Esq.

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DESIGNATION FORM**

*(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)*

Address of Plaintiff: c/o Fred Davis, Esq., Davis Consumer Law Firm, 2300 Computer Rd., Ste G39, Willow Grove, PA 19090

Address of Defendant: c/o Aaron R. Easley, Esq., SESSIONS, FISHMAN, NATHAN & ISRAEL, 3 Cross Creek Dr., Flemington, NJ 08822-4938

Place of Accident, Incident or Transaction: Chester County, PA

**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is **not** related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 08/29/2019

*Attorney-at-Law / Pro Se Plaintiff*

73683

*Attorney I.D. # (if applicable)*

**CIVIL: (Place a ✓ in one category only)****A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☒ 11. All other Federal Question Cases

*(Please specify):* FDCPA

**B. Diversity Jurisdiction Cases:**

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury *(Please specify):* \_\_\_\_\_
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases

*(Please specify):* \_\_\_\_\_

**ARBITRATION CERTIFICATION**

*(The effect of this certification is to remove the case from eligibility for arbitration.)*

I, \_\_\_\_\_, counsel of record or pro se plaintiff, do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

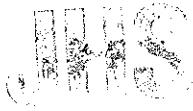
AUG 30 2019

DATE: \_\_\_\_\_

*Attorney-at-Law / Pro Se Plaintiff*

*Attorney I.D. # (if applicable)*

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

ANNE HULSER  
112 Jagger Lane  
MOUNTVILLE, PA  
17554

v.

FMS INC.  
4915 S. Union Avenue  
TULSA, OK  
74107

CIVIL ACTION

19

3978

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. (X)
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

August 29, 2019

Aaron R. Easley, Esq. *[Signature]*

FMS, Inc.

**Date**

**Attorney-at-law**

**Attorney for**

(908) 237-1660

(908) 237-1663

aeasley@sessions.legal

**Telephone**

**FAX Number**

**E-Mail Address**

(Civ. 660) 10/02

AUG 30 2019

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

ANNE HULSER  
112 Jagger Lane  
MOUNTVILLE, PA  
17554

Plaintiff,

v.

Case No.:

FMS INC.  
4915 S. Union Avenue  
TULSA, OK  
74107

Defendants.

19 3978

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, defendant, FMS, Inc. ("FMS"), , through undersigned counsel, hereby removes this action from the Court of Common Pleas, Chester County, Commonwealth of Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania. In support of this Notice of Removal, FMS states as follows:

1. Plaintiff, Anne Hulser, originally commenced this action by filing a Complaint against FMS in the Court of Common Pleas, Chester County, Commonwealth of Pennsylvania, where it is presently captioned as *Anne Hulser v. FMS, Inc.*, Case No.: 2019-07378-MJ. No further proceedings before the Commonwealth court have occurred.

2. In the Complaint, plaintiff alleges statutory causes of action against FMS. A true and correct copy of plaintiff's Complaint is attached hereto as Ex. "A."

3. Plaintiff accuses FMS of violating the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, *et seq.*

4. FMS received plaintiff's Summons and Complaint on July 31, 2019.

5. This Court has jurisdiction over plaintiff's claim pursuant to 28 U.S.C. §§ 1331 and 1441 in that the claims are founded on a claim or right arising under the laws of the United States.

6. This Notice of Removal is timely, having been filed within thirty (30) days of the date on which FMS received plaintiff's Complaint. *See* 28 U.S.C. § 1446.

7. Written notice of this Notice of Removal of this action is being immediately provided to the Court of Common Pleas, Chester County, Commonwealth of Pennsylvania. *See* Ex. "B."

8. Written notice of this Notice of Removal of this action is being caused to be served on the plaintiff.

WHEREFORE, defendant, FMS, Inc., gives notice that this action is removed from the Court of Common Pleas, Chester County, Commonwealth of Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania.

Dated August 29, 2019

Respectfully submitted,

A handwritten signature in black ink, appearing to be "llm", is written above a horizontal line.

Aaron R. Easley, Esq.  
SESSIONS, FISHMAN, NATHAN & ISRAEL  
3 Cross Creek Dr.  
Flemington, NJ 08822-4938  
Telephone No.: (908) 237-1660  
Facsimile No.: (908) 237-1663  
aeasley@sessions.legal  
*Attorneys for Defendant,*  
*FMS, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 29, 2019, a copy of the foregoing a copy of the foregoing was filed by Federal Express upon the Clerk of the Court and by U.S. Mail on the parties listed below:

Fred Davis, IV Esq.  
Davis Consumer Law Firm  
2300 Computer Road – Suite G39  
Willow Grove, PA 19090  
Attorney for Plaintiff

By:



---

Aaron R. Easley, Esq.  
*Attorney for Defendant,*  
*FMS, Inc.*

# EXHIBIT A

**Davis**  
CONSUMERLAWFIRM

*Working For The People*

Debt Defense, Unfair Debt Collection, Lemon Law, Defective Consumer Products  
**WWW.USACREDITLAWYER.COM**; TOLL-FREE: 1-855-432-8475; EMAIL: [fdavis@usacreditlawyer.com](mailto:fdavis@usacreditlawyer.com)

CORPORATE HEADQUARTERS: 2300 Computer Rd.-Ste G39, Willow Grove, Pa 19090

\*\*\*Board Certified by the New Jersey Supreme Court as a Civil Trial attorney

\*\*Awarded "Rising Star" by Pennsylvania Superlawyer Magazine

July 23, 2019

**Sent by First Class and Certified Mail**

FMS INC.

4915 S. Union Avenue

TULSA, OK 74107

RE: Anne Hulser v FMS, INC.

Chester County C.C.P. Docket No.: 2019-07378-MJ

Dear Sir/Madam:

Please accept the enclosed in accordance with Pennsylvania Rule of Civil Procedure 403. Please be advised also that a responsive pleading is due within twenty days of receipt of the complaint. Please contact me if you would like to discuss a resolution prior to filing your Answer. I can be reached by email or phone at the number listed above.

Given the procedural posture and 'age' of the case, I can tender a demand of \$1,850.00 inclusive of all fees and costs. At the present time I have extremely flexible settlement authority, but this will diminish once more work is required in this fee shifting case. See 15 U.S.C. § 1692k. Kindly respond at your convenience but prior to the default deadline listed above.

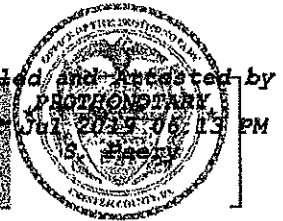
Please also refrain from any contact with Mr. Perez or any third-parties regarding this or any other alleged debts and instead communicate exclusively through my office. Please also ensure that Mr. Perez's credit reports are updated to reflect the fact that this debts are disputed and that the actual dates of the alleged default/last account activity are listed.

Very Truly Yours,

  
Fred Davis, Esq.

**Supreme Court of Pennsylvania**  
**Court of Common Pleas**  
**Civil Cover Sheet**  
**CHESTER County**

*For Prothonotary Use Only*  
 Docket No. **2019-07378-MJ**



*The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.*

**Commencement of Action**

☒ Complaint      ☐ Writ of Summons      ☐ Petition  
☐ Transfer from Another Jurisdiction      ☐ Declaration of Taking

Lead Plaintiff's Name:

**ANNE HULSER**

Lead Defendant's Name:

**FMS INC.**

Are money damages requested? ☒ Yes ☐ No

Dollar Amount Requested: ☒ Within arbitration limits  
 (check one) ☐ outside arbitration limits

Is this a Class Action Suit? Yes ☐ No ☒

Is this an MDJ Appeal? Yes ☐ No ☒

Name of Plaintiff/Appellant's Attorney: **fred e davis, iv**

**Check here if you have no attorney(are a Self-Represented [Pro Se] Litigant)**

**Nature of the Case:** Place "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**.  
 If you are making more than one type of claim, check the one that you consider most important.

**TORT**(do not include Mass Tort)

☐ Intentional  
☐ Malicious Prosecution  
☐ Motor Vehicle  
☐ Nuisance  
☐ Premises Liability  
☐ Product Liability(does not include mass tort)  
☐ Slander/Libel/Defamation  
☐ Other:

**CONTRACT**(do not include Judgments)

☐ Buyer Plaintiff  
☐ Debt Collection: Credit Card  
☐ Debt Collection: Other  
☐ Employment Dispute:  
☐ Discrimination  
☐ Employment Dispute: Other  
☐ Other

**CIVIL APPEALS**

Administrative Agencies  
☐ Board of Assessment  
☐ Board of Elections  
☐ Dept. of Transportation  
☐ Statutory Appeal: Other  
☐ Zoning Board  
☐ Other:

**MASS TORT**

☐ Asbestos  
☐ Tobacco  
☐ Toxic Tort - DES  
☐ Toxic Tort - Implant  
☐ Toxic Waste  
☐ Other:

**REAL PROPERTY**

☐ Ejectment  
☐ Eminent Domain/Condemnation  
☐ Ground Rent  
☐ Landlord/Tenant Dispute  
☐ Mortgage Foreclosure: Residential  
☐ Mortgage Foreclosure: Commercial  
☐ Partition  
☐ Quiet Title  
☐ Other:

**MISCELLANEOUS**

☐ Common Law/Statutory Arbitration  
☐ Declaratory Judgement  
☐ Mandamus  
☐ Non-Domestic Relations  
☐ Restraining Order  
☐ Quo Warranto  
☐ Replevin  
☒ Other:

**PROFESSIONAL LIABILITY**

☐ Dental  
☐ Legal  
☐ Medical  
☐ Other Professional

2019-07378-MJ

**Chester County  
Court of Common Pleas  
Cover Sheet**

Docket No:

**2019-07378-MJ**

Plaintiff(s): (Name, Address) <p align="center"><b>ANNE HULSER</b> 112 JAGGER LANE MOUNTVILLE, PA 17554</p>		Plaintiff's/Appellant's Attorney(circle one) (Name, firm, address, telephone and attorney ID#) <p align="center"><b>fred e davis, iv</b> (855) 432-8475 davis consumer law firm attorney ID#: 093907 2300 Computer Rd Suite G39 Willow Grove, PA 19090</p>	
Defendant(s): (Name, Address) <p align="center"><b>FMS INC.</b> 4915 S. UNION AVENUE TULSA, OK 74107</p>		Are there any related cases? Please provide case nos.	
Defendants who are proceeding without counsel are strongly urged to file with the Prothonotary a written statement of an address AND a telephone number at which they can be reached			
Commencement of Action (If applicable): <input type="checkbox"/> Agreement for an Amicable Action <input type="checkbox"/> Motion to Confirm Arbitration Award <p align="center">Notice of Appeal</p>			
If this is an appeal from a Magisterial District Judgement, was appellant <input type="checkbox"/> Plaintiff or <input type="checkbox"/> Defendant in the original action?			
Jury Trial Demanded <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Nature of case if not on previous cover sheet - Please choose the most applicable			
<input type="checkbox"/> Annulment <input type="checkbox"/> Custody - Conciliation Required <input type="checkbox"/> Custody - Foreign Order <input type="checkbox"/> Custody - No Conciliation Required <input type="checkbox"/> Divorce - Ancillary Relief Request <input type="checkbox"/> Divorce - No Ancillary Relief Requested <input type="checkbox"/> Foreign Divorce <input type="checkbox"/> Foreign Protection from Abuse <input type="checkbox"/> Paternity <input type="checkbox"/> Protection from Abuse <input type="checkbox"/> Standby Guardianship		<input type="checkbox"/> Writ of Certiorari <input type="checkbox"/> Injunctive Relief <input type="checkbox"/> Mechanics Lien Claim <input type="checkbox"/> Issuance of Foreign Subpoena <input type="checkbox"/> Name Change <input type="checkbox"/> Petition for Structured Settlement	
<b>Arbitration Cases Only</b> Arbitration Date <span style="border: 1px solid black; padding: 2px;">2020-01-24</span> Arbitration Time <span style="border: 1px solid black; padding: 2px;">09:00:00</span> Defendants are cautioned that the scheduling of an arbitration date does not alter the duty of the defendant to respond to the complaint and does not prevent summary disposition from occurring prior to the arbitration date. This matter will be heard by a Board of Arbitrators at the time and date specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial <i>de novo</i> on appeal from a decision entered by a judge.		<b>Notice of Trial Listing Date</b> Pursuant to C.C.R.C.P. 249.3, if this case is not subject to compulsory arbitration it will be presumed ready for trial twelve (12) months from the date of the initiation of the suit and will be placed on the trial list one (1) year from the date the suit was filed unless otherwise ordered by the Court.  To obtain relief from automatic trial listing a party must proceed pursuant to C.C.R.C.P. 249.3(b), request an administrative conference and obtain a court order deferring the placement of the case on the trial list until a later date.	
<b>File with:</b> Chester County Justice Center, Prothonotary Office, 201 W. Market St., Ste. 1425, PO Box 2746, West Chester, PA 19380-0989			

2019-07378-MJ

Fred Davis, Esq.  
Identification No. 93907  
DAVIS CONSUMER LAW FIRM  
2300 Computer Rd.-Ste G39  
WILLOW GROVE, PA 19090  
(T)1-855-432-8475/(F)1-855-435-9294  
[fdavis@usacreditlawyer.com](mailto:fdavis@usacreditlawyer.com)

ATTORNEY FOR PLAINTIFF

THIS IS AN ARBITRATION MATTER  
ASSESSMENT OF DAMAGES  
HEARING IS REQUESTED.



ANNE HULSER  
112 Jagger Lane  
MOUNTVILLE, PA  
17554

*Plaintiff*

v.

FMS INC.  
4915 S. Union Avenue  
TULSA, OK  
74107

*Defendant*

COURT OF COMMON PLEAS  
CHESTER COUNTY

CIVIL ACTION

DOCKET NO.:

**NOTICE TO DEFEND**  
**CODE: 1900**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

**CHESTER COUNTY BAR ASSOCIATION-LAWYER REFERRAL& INFO SERVICE**

Chester Bar Association  
15 W Gay St #2,  
West Chester, PA  
19380  
Phone: (610) 692-1889

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de ia fecha de la demanda y ia notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, le corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

**LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE, SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.**

**SERVICIO DE REFERENCIA LEGAL**

Colegio de Abogados de Chester  
15 W Gay St #2,  
West Chester, PA  
19380  
Phone: (610) 692-1889

Fred Davis, Esq.  
Identification No. 93907  
DAVIS CONSUMER LAW FIRM  
2300 Computer Rd.-Ste G39  
WILLOW GROVE, PA 19090  
(T)1-855-432-8475/(F)1-855-435-9294  
[fdavis@usacreditlawyer.com](mailto:fdavis@usacreditlawyer.com)

ATTORNEY FOR PLAINTIFF

THIS IS AN ARBITRATION MATTE.  
ASSESSMENT OF DAMAGES  
HEARING IS REQUESTED.



ANNE HULSER  
112 Jagger Lane  
MOUNTVILLE, PA  
17554

*Plaintiff*

v.

FMS INC.  
4915 S. Union Avenue  
TULSA, OK  
74107

*Defendant*

COURT OF COMMON PLEAS  
CHESTER COUNTY

CIVIL ACTION

DOCKET NO.:

### COMPLAINT

1. Plaintiff, ANNE HULSER, is an adult individual citizen and legal resident of the State of Pennsylvania, living at 112 Jagger Lane, Mountville, PA, 17554.
2. Defendant, FMS INC., is a business corporation qualified to and regularly conducting business in, the Commonwealth of Pennsylvania, with its legal residence and principal place of business at 4915 S. Union Avenue, TULSA, OK 74107. Defendant can be served at that address.
3. Plaintiff avers that at all times material hereto, Defendant acted by and through its authorized agents, servants, officers, and/or employees, including Defendant, all of whom were acting within the scope of their employment.

### **JURISDICTION AND VENUE**

4. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction”.

5. Defendant regularly conducts business in the State of Pennsylvania and in the County of Chester, therefore, personal jurisdiction is established.

6. Venue is proper in Chester County pursuant to Pennsylvania Rule(s) of Civil Procedure §§ 1006 and 2179.

7. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

### **PARTIES**

8. Plaintiff is a natural person residing in Mountville, PA. Some/all of the transactions comprising the alleged debt occurred in Chester County.

9. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3). The transactions comprising the alleged debt were for consumer related purchases, such as household goods, food, clothing, etc.

10. Defendant, FMS INC., is a company handling debt collection matters with headquarters located at 4915 S. Union Avenue, TULSA, OK 74107.

11. Defendant is a debt collector as that term is defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff, as the alleged debt in questions stems from the acquisition of personal goods and services, such as household items, clothing, groceries, etc.

12. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

**FACTUAL ALLEGATIONS**

13. Throughout the past year, Defendant has contacted Plaintiff attempting to collect a debt it alleges originated with "SYNCHRONY BANK" in the amount of \$413.42. *See Exhibit "A"*.

14. Plaintiff alleges and avers that Defendant contacted Plaintiff at irregular times and places, and often times hung up before identifying itself, only to call right back, in violation of 15 U.S.C. §§ 1692c(a)(1) and d.

15. Plaintiff alleges and avers that Defendant sought to collect amounts comprised largely of improper fees and/or interest, and Defendant's collection efforts were thus in violation of 15 U.S.C. §§ 1692e and f(1).

16. Plaintiff alleges and avers that Defendant's letter fails to inform Plaintiff that litigation premised on the alleged debt is barred by the applicable statute of limitations, and that any payment or even a verbal/written acknowledgement of the alleged debt could re-start the statute, and Defendant thereby violated 15 U.S.C. § 1692e(2).

17. Plaintiff alleges and avers that there is no written agreement between Plaintiff and "SYNCHRONY BANK" regarding repayment and Defendant's collection efforts are thus in violation of 15 U.S.C. § 1692f(1).

18. Plaintiff alleges and avers that Defendant's attempt to collect the alleged debt is not authorized by law or a duly executed written agreement, and Defendant's collection attempts thereby violated 15 U.S.C. § 1692f(1).

**COUNT I**  
**THE FAIR DEBT COLLECTION PRACTICES ACT ("FDCPA")**

19. In its actions to collect a disputed debt, Defendant violated the FDCPA in one or more of the following ways:

- a. Harassing, oppressing or abusing Plaintiff in connection with the collection of a debt in violation of 15 U.S.C. § 1692d.
- b. Using misrepresentations or deceptive means to collect a debt in violation of 15 U.S.C. § 1692e(10).
- c. Using unfair or unconscionable means to collect a debt in violation of 15 U.S.C. § 1692f.
- d. By acting in an otherwise deceptive, unfair and unconscionable manner and failing to comply with the FDCPA.

WHEREFORE, Plaintiff, ANNE HULSER, respectfully prays for a judgment as follows:

- a. All actual compensatory damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);
- b. Statutory damages of \$1,000.00 for each violation of the FDCPA pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- c. All reasonable attorneys' fees, witness fees, court costs and other litigation costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3); and
- d. Any other relief deemed appropriate by this Honorable Court.

**COUNT TWO**  
**THE PENNSYLVANIA UNFAIR TRADE PRACTICES ACT AND CONSUMER PROTECTION LAW ("UFTPL")**

20. Plaintiff hereby incorporates all facts and allegations specified in paragraphs above, by reference as if fully set forth at length.

21. Plaintiff is a "Person" as defined by 73 P.S. § 201-2(2).

22. Defendant is a "Person(s)" as defined by 73 P.S. § 201-2(2).

23. The Pennsylvania Unfair Trade Practices and Consumer

Protection Act, 73 P.S. § 201-2(4), defines "unfair or deceptive acts or practices" to include the following:

- (a) Causing likelihood of confusion or of misunderstanding as to the source, sponsorship, approval or certification of goods or services;
- (b) Causing likelihood of confusion or of misunderstanding as to affiliation, connection or association with, or certification by, another;
- (c) Engaging in any other fraudulent or deceptive conduct which creates a likelihood of confusion or of misunderstanding;
- (d) Any violation of 73 Pa. Cons. Stat. Ann. § 2270.

24. Plaintiff alleges and avers that Defendants violated the Act by misrepresenting that any debt was owed, and further by claiming that improper fees and exorbitant charges were part of the alleged debt, and that Defendant's conduct complained of herein paragraphs amounts to violations of the Fair Credit Uniformity Extension Act, 73 Pa. C.S. § 2270, et seq., and is thus a concomitant violation of the Unfair Trade Practices Act.

25. Plaintiff alleges and avers that Defendant violated the Act by misrepresenting that any debt was owed, and further by claiming that improper fees and exorbitant charges were part of the alleged debt.

26. Plaintiff further alleges and avers that Defendant's misleading reference to account ownership, unspecified fees and interest, misreporting of credit information and misrepresentations surrounding the alleged debt was done to confuse and deceive Plaintiff into thinking the debt was legitimate, and Defendant thereby violated the Act.

27. The UTPCPL authorizes the Court, in its discretion, to award up to

three (3) times the actual damages sustained for violations, and/or \$100.00 for statutory damages. Plaintiff avers entitlement to all actual and statutory damages, as well as written confirmation that Defendant has properly reported to the relevant credit bureaus accurate information surrounding the invalidation of the bogus "debt", plus treble that amount, and attorney fees and costs, for Defendant's per se and statutory violations of Pennsylvania Law.

DAVIS CONSUMER LAW FIRM

By:

/s/

Fred Davis-PA ID# 93907

Attorney for Plaintiff, ANNE HULSER

2300 Computer Rd.-Ste G39

Willow Grove, Pa 19090

Tel - 1-855-432-8475/Facsimile-1-855-435-9294


Email: [fdavis@usacreditlawyer.com](mailto:fdavis@usacreditlawyer.com)

V E R I F I C A T I O N

Fred Davis, states that he is the attorney for the Plaintiff herein; that he is acquainted with the facts set forth in the foregoing Complaint; that same are true and correct to the best of his knowledge, information and belief; and that this statement is made subject to the Penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsifications to authorities.

DAVIS CONSUMER LAW FIRM

By: /s/

  
Fred Davis-PA ID# 93907  
Attorney for Plaintiff, ANNE HULSER  
2300 Computer Rd.-Ste G39  
Willow Grove, Pa 19090  
Tel - 1-855-432-8475/Facsimile-1-855-435-9294  
Email: [fdavis@usacreditlawyer.com](mailto:fdavis@usacreditlawyer.com)

# **EXHIBIT**

## **“A”**

PO BOX 707600  
TULSA, OK 74170-7600

**FMS INC.**

PO BOX 707600 • TULSA, OK 74170-7600  
855-801-1232  
918-749-5659 FAX



June 4, 2019

ANNE HULSER  
112 JAGGER LN  
MOUNTVILLE, PA 17554-1879



FMS INC.  
PO BOX 707600  
TULSA, OK 74170-7600

52013878 - 8541 - 500

\*\*\* Detach Upper Portion And Return With Payment \*\*\*



PO BOX 707600  
TULSA, OK 74170-7600  
Toll Free: 855-801-1232

Office Lobby Hours Mon - Fri 8:00AM to 5:00PM CST  
Call Center Hours Mon - Thur 8:00AM to 7:00PM CST  
Call Center Hours Friday 8:00AM to 5:00PM CST  
Call Center Hours Saturday 9:00AM to 1:00PM CST

Street Address: FMS INC. - 4915 South Union Avenue • Tulsa • Oklahoma • 74107

June 4, 2019

Dear Anne Hulser,

This is to inform you that the creditor, as listed, has placed your Walmart Credit Card account with this agency for collection of this obligation.

You may not have intentionally neglected this obligation, but it does require your attention. We would like your cooperation. Subject to your right to dispute the debt we ask that you

1. Remit payment to this office or,
2. Contact this office toll free at 855-801-1232 to arrange an acceptable payment plan.

Your payment should be made payable to SYNCHRONY BANK and mailed to the address on the tear-off portion of this letter.

We also accept payment by MoneyGram and Debit Card. Call us at 855-801-1232 for information on these easy methods of payment.

### Account Summary

Creditor
SYNCHRONY BANK
Customer No
XXXXXXXXXXXX2860
Account No
52013878
Total Balance Due:
\$413.42

**IMPORTANT NOTIFICATION PER FEDERAL LAW**  
**THIS COMMUNICATION IS FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

UNLESS YOU NOTIFY THIS OFFICE WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE THAT YOU DISPUTE THE VALIDITY OF THIS DEBT OR ANY PORTION THEREOF, THIS OFFICE WILL ASSUME THIS DEBT IS VALID. IF YOU NOTIFY THIS OFFICE IN WRITING WITHIN 30 DAYS FROM RECEIVING THIS NOTICE THAT YOU DISPUTE THE VALIDITY OF THIS DEBT OR ANY PORTION THEREOF, THIS OFFICE WILL OBTAIN VERIFICATION OF THE DEBT OR OBTAIN A COPY OF A JUDGMENT AND MAIL YOU A COPY OF SUCH JUDGMENT OR VERIFICATION. IF YOU REQUEST THIS OFFICE IN WRITING WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE, THIS OFFICE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR.

### Payment Options

Payments by MoneyGram
Please call us at 855-801-1232
Payments by Phone
Please call us at 855-801-1232
Pay with your Debit card or make a Check-By-Phone payment
Payments by Mail

2019-07378-MJ

# EXHIBIT B

**IN THE COURT OF COMMON PLEAS OF  
CHESTER COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

---

ANNE HULSER  
112 Jagger Lane  
MOUNTVILLE, PA  
17554

Plaintiff,

v.

FMS INC.  
4915 S. Union Avenue  
TULSA, OK  
74107

Defendant.

---

**CASE NO.: 2019-07378-MJ**

**NOTICE OF FILING OF  
NOTICE OF REMOVAL TO THE UNITED  
STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

TO: Clerk of the Court  
Court of Common Pleas  
Chester County  
201 W. Market Street, Suite 1400  
West Chester, PA 19380

Fred Davis, IV Esq.  
Davis Consumer Law firm  
2300 Computer Road – Suite G39  
Willow Grove, PA 19090  
Email: [fdavis@usacreditlawyer.com](mailto:fdavis@usacreditlawyer.com)  
*Attorney for Plaintiff*

PLEASE TAKE NOTICE that this action has been removed to the United States District Court for the Eastern District of Pennsylvania. Attached hereto as Exhibit "1" is a copy of the Notice of Removal filed in the United States District Court effecting such removal.

PLEASE TAKE FURTHER NOTICE that in accordance with 28 U.S.C. § 1446(d), the Court of Common Pleas for Chester County, Commonwealth of Pennsylvania, shall proceed no further in

this action unless and until the action is remanded by the United States District Court for the Eastern District of Pennsylvania.

Dated: August 29, 2019

Respectfully submitted,

/s/ Aaron R. Easley  
Aaron R. Easley, Esq.  
SESSIONS, FISHMAN, NATHAN & ISRAEL  
3 Cross Creek Dr.  
Flemington, NJ 08822-4938  
Telephone No.: (908) 237-1660  
Facsimile No.: (908) 237-1663  
aeasley@sessions.legal  
*Attorneys for Defendant,*  
*FMS, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 29, 2019, a copy of the foregoing was filed electronically in the Courts Electronic Filing System. Notice of this filing was forwarded to counsel of record, via U.S. mail, postage prepaid.

Clerk of the Court  
Court of Common Pleas  
Chester County  
201 W. Market Street, Suite 1400  
West Chester, PA 19380

Fred Davis, IV Esq.  
Davis Consumer Law firm  
2300 Computer Road – Suite G39  
Willow Grove, PA 19090  
Email: fdavis@usacreditlawyer.com  
*Attorney for Plaintiff*

By: /s/ Aaron R. Easley  
Aaron R. Easley, Esq.  
*Attorney for Defendant,*  
*FMS, Inc.*